

REMARKS

With the exception of three amendments in three paragraphs, as explained further below, each amendment in each paragraph corrects obvious grammatical or spelling errors and improves readability. Therefore, these amendments do not add new matter.

The amendment of the paragraph on page 3, last full paragraph towards the bottom, beginning with “[h]uman stem cell growth factor . . . ,” corrects the number of the cited PCT publication in line 29 from “WO98/08859” to “WO98/08869” and thereby eliminates inaccuracies between the subject matter of SEQ. ID numbers 1 or 2 and the cited reference. The subject matter of SEQ. ID numbers 1 and 2 is “human stem cell growth factor” proteins, Specification, page 3, lines 27-29, which is also the subject matter of WO98/08869, entitled “Hematopoietic Stem Cell Growth Factor (SCGF). A copy of the abstract of this publication, along with citation of a related English language document, U.S. Pub. No. 2002/0099196, are included with the Supplemental Information Disclosure Statement submitted with this paper. In contrast, WO98/08859 is entitled “Bioconjugates and Delivery of Bioactive Agents” and does not disclose human stem cell growth factor proteins. A copy of this document is included with this paper for the Examiner’s reference. It is not included in the Supplemental Information Disclosure Statement. Support for the correct PCT publication number is found, for example, at page 27, line 16 of the specification referring to “WO98/08869” in a sentence discussing methods of preparing SCGF. Therefore, this amendment does not add new matter.

Similarly, one of the amendments in the first paragraph on page 4, beginning with “[a]s antibodies which recognize SCGF . . . ,” changes the PCT publication number on page 4, line 7, from “WO98/08859” to “WO98/08869.” As above, this amendment eliminates inaccuracies between the disclosed subject matter, methods of preparing monoclonal and polyclonal

antibodies that react with SCGF, (*see* specification, page 4, lines 1-16), and the reference. As noted above, WO98/08869 is entitled “Hematopoietic Stem Cell Growth Factor (SCGF).” The abstract of this publication discloses “[a] novel polypeptide exhibiting a growth promoting activity on hematopoietic stem cells . . . [and] antibody reacting specifically with the polypeptide. . . .” The title and subject matter disclosed in the abstract of WO98/08869 are therefore consistent with the subject matter of the amended first full paragraph on page 4 of the instant application. In contrast, WO98/08859 does not disclose SCGF polypeptides nor antibodies that react with them. As above, support for the correct PCT publication number is found, for example, at page 27, line 16 of the specification referring to “WO98/08869.” Additional amendments in this paragraph correct obvious grammatical errors and improve readability. Therefore, these amendments do not add new matter.

One of the amendments in the first full paragraph on page 20, beginning with “[p]rocedure of sandwich assay . . . ,” changes the second occurrence in the sentence at page 20, lines 12-14, of the word “sample” to “antibody” so that the corrected sentence reads, “[f]or example, after the first antibody (primary antibody) is fixed to the solid phase, a sample to be measured is brought into contact with the first antibody.” As is well established, “[it] does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction.” M.P.E.P. § 2163.07 at 2100-183 (8th ed. rev. 2, May 2004).

The amendment here corrects an error that would be recognized as an obvious error by one skilled in the art, and the correction of the error, by replacing the second occurrence in the sentence of the word “sample” with “antibody,” would be also be recognized by one skilled in the art. The amended sentence occurs in a paragraph discussing the procedure of sandwich

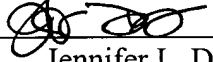
assays, which are well known in the art where they are also referred to as immunoassays or ELISA assays. One skilled in the art would understand that after the first antibody is fixed to the solid phase, a sample to be measured is brought into contact with the antibody, not with a sample. This is further indicated by the sentence structure wherein the word "first" only refers to the "first antibody" and not to a "first sample." Thus, the second occurrence of the word "first" in the sentence must refer back to the "first antibody." Therefore, this amendment corrects an obvious error recognizable by one skilled in the art and thus does not add new matter. Additional amendments in this paragraph correct obvious grammatical errors and improve readability. Therefore, these amendments do not add new matter.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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